



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4768

Introduced 1/18/2006, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-107.1	
625 ILCS 5/6-107.4 new	
625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/7-702.1	

Amends the Illinois Vehicle Code. Provides that a driver's license may not be issued to a person under 18 years of age. Provides that an instruction permit may not be issued to a person under the age of 17 years. Increases from 16 to 18 years the minimum age for issuance of a restricted driving permit or a family financial responsibility driving permit. Makes corresponding changes in other provisions. Provides that the increases in the driving age do not invalidate any license or permit that was previously issued to a person under 18 years of age if the person complies, until his or her 18th birthday, with all requirements that previously applied to drivers under 18 years of age.

LRB094 17603 DRH 52901 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-103, 6-107, 6-107.1, 6-205, 6-206, and 7-702.1 and
6 adding Section 6-107.4 as follows:

7 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

8 Sec. 6-103. What persons shall not be licensed as drivers
9 or granted permits. The Secretary of State shall not issue,
10 renew, or allow the retention of any driver's license nor issue
11 any permit under this Code:

12 1. To any person, as a driver, who is under the age of
13 18 years, ~~except as provided in Section 6-107,~~ and except
14 that an instruction permit may be issued under Section
15 6-107.1 to a child who is not less than 17 ~~15~~ years of age
16 if the child is enrolled in an approved driver education
17 course as defined in Section 1-103 of this Code and
18 requires an instruction permit to participate therein,
19 except that an instruction permit may be issued under the
20 provisions of Section 6-107.1 to a child who is 17 years
21 and 9 months of age without the child having enrolled in an
22 approved driver education course and except that an
23 instruction permit may be issued to a child who is at least
24 17 ~~15~~ years and 6 months of age, is enrolled in school,
25 meets the educational requirements of the Driver Education
26 Act, and has passed examinations the Secretary of State in
27 his or her discretion may prescribe;

28 2. To any person who is under the age of 18 as an
29 operator of a motorcycle other than a motor driven cycle
30 unless the person has, in addition to meeting the
31 provisions of Section 6-107 of this Code, successfully
32 completed a motorcycle training course approved by the

1 Illinois Department of Transportation and successfully
2 completes the required Secretary of State's motorcycle
3 driver's examination;

4 3. To any person, as a driver, whose driver's license
5 or permit has been suspended, during the suspension, nor to
6 any person whose driver's license or permit has been
7 revoked, except as provided in Sections 6-205, 6-206, and
8 6-208;

9 4. To any person, as a driver, who is a user of alcohol
10 or any other drug to a degree that renders the person
11 incapable of safely driving a motor vehicle;

12 5. To any person, as a driver, who has previously been
13 adjudged to be afflicted with or suffering from any mental
14 or physical disability or disease and who has not at the
15 time of application been restored to competency by the
16 methods provided by law;

17 6. To any person, as a driver, who is required by the
18 Secretary of State to submit an alcohol and drug evaluation
19 or take an examination provided for in this Code unless the
20 person has successfully passed the examination and
21 submitted any required evaluation;

22 7. To any person who is required under the provisions
23 of the laws of this State to deposit security or proof of
24 financial responsibility and who has not deposited the
25 security or proof;

26 8. To any person when the Secretary of State has good
27 cause to believe that the person by reason of physical or
28 mental disability would not be able to safely operate a
29 motor vehicle upon the highways, unless the person shall
30 furnish to the Secretary of State a verified written
31 statement, acceptable to the Secretary of State, from a
32 competent medical specialist to the effect that the
33 operation of a motor vehicle by the person would not be
34 inimical to the public safety;

35 9. To any person, as a driver, who is 69 years of age
36 or older, unless the person has successfully complied with

1 the provisions of Section 6-109;

2 10. To any person convicted, within 12 months of
3 application for a license, of any of the sexual offenses
4 enumerated in paragraph 2 of subsection (b) of Section
5 6-205;

6 11. To any person who is under the age of 21 years with
7 a classification prohibited in paragraph (b) of Section
8 6-104 and to any person who is under the age of 18 years
9 with a classification prohibited in paragraph (c) of
10 Section 6-104;

11 12. To any person who has been either convicted of or
12 adjudicated under the Juvenile Court Act of 1987 based upon
13 a violation of the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine Control
15 and Community Protection Act while that person was in
16 actual physical control of a motor vehicle. For purposes of
17 this Section, any person placed on probation under Section
18 10 of the Cannabis Control Act, Section 410 of the Illinois
19 Controlled Substances Act, or Section 70 of the
20 Methamphetamine Control and Community Protection Act shall
21 not be considered convicted. Any person found guilty of
22 this offense, while in actual physical control of a motor
23 vehicle, shall have an entry made in the court record by
24 the judge that this offense did occur while the person was
25 in actual physical control of a motor vehicle and order the
26 clerk of the court to report the violation to the Secretary
27 of State as such. The Secretary of State shall not issue a
28 new license or permit for a period of one year;

29 13. To any person who is under the age of 18 years and
30 who has committed the offense of operating a motor vehicle
31 without a valid license or permit in violation of Section
32 6-101;

33 14. To any person who is 90 days or more delinquent in
34 court ordered child support payments or has been
35 adjudicated in arrears in an amount equal to 90 days'
36 obligation or more and who has been found in contempt of

1 court for failure to pay the support, subject to the
2 requirements and procedures of Article VII of Chapter 7 of
3 the Illinois Vehicle Code;

4 15. To any person released from a term of imprisonment
5 for violating Section 9-3 of the Criminal Code of 1961 or a
6 similar provision of a law of another state relating to
7 reckless homicide or for violating subparagraph (F) of
8 paragraph (1) of subsection (d) of Section 11-501 of this
9 Code relating to aggravated driving under the influence of
10 alcohol, other drug or drugs, intoxicating compound or
11 compounds, or any combination thereof, if the violation was
12 the proximate cause of a death, within 24 months of release
13 from a term of imprisonment;

14 16. To any person who, with intent to influence any act
15 related to the issuance of any driver's license or permit,
16 by an employee of the Secretary of State's Office, or the
17 owner or employee of any commercial driver training school
18 licensed by the Secretary of State, or any other individual
19 authorized by the laws of this State to give driving
20 instructions or administer all or part of a driver's
21 license examination, promises or tenders to that person any
22 property or personal advantage which that person is not
23 authorized by law to accept. Any persons promising or
24 tendering such property or personal advantage shall be
25 disqualified from holding any class of driver's license or
26 permit for 120 consecutive days. The Secretary of State
27 shall establish by rule the procedures for implementing
28 this period of disqualification and the procedures by which
29 persons so disqualified may obtain administrative review
30 of the decision to disqualify; or

31 17. To any person for whom the Secretary of State
32 cannot verify the accuracy of any information or
33 documentation submitted in application for a driver's
34 license.

35 The Secretary of State shall retain all conviction
36 information, if the information is required to be held

1 confidential under the Juvenile Court Act of 1987.

2 (Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783,
3 eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556,
4 eff. 9-11-05.)

5 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

6 Sec. 6-107. Graduated license.

7 (a) The purpose of the Graduated Licensing Program is to
8 develop safe and mature driving habits in young, inexperienced
9 drivers and reduce or prevent motor vehicle accidents,
10 fatalities, and injuries by:

11 (1) providing for an increase in the time of practice
12 period before granting permission to obtain a driver's
13 license;

14 (2) strengthening driver licensing and testing
15 standards for persons under the age of 21 years;

16 (3) sanctioning driving privileges of drivers under
17 age 21 who have committed serious traffic violations or
18 other specified offenses; and

19 (4) setting stricter standards to promote the public's
20 health and safety.

21 (b) The application of any person under the age of 18
22 years, and not legally emancipated by marriage, for a ~~drivers~~
23 ~~license or~~ permit to operate a motor vehicle issued under the
24 laws of this State, shall be accompanied by the written consent
25 of either parent of the applicant; otherwise by the guardian
26 having custody of the applicant, or in the event there is no
27 parent or guardian, then by another responsible adult.

28 No graduated driver's license shall be issued to any
29 applicant under 18 years of age, ~~unless the applicant is at~~
30 ~~least 16 years of age and has:~~

31 ~~(1) Held a valid instruction permit for a minimum of 3~~
32 ~~months.~~

33 ~~(2) Passed an approved driver education course and~~
34 ~~submits proof of having passed the course as may be~~
35 ~~required.~~

1 ~~(3) certification by the parent, legal guardian, or~~
2 ~~responsible adult that the applicant has had a minimum of~~
3 ~~25 hours of behind-the-wheel practice time and is~~
4 ~~sufficiently prepared and able to safely operate a motor~~
5 ~~vehicle.~~

6 (c) No graduated ~~driver's license or~~ permit shall be issued
7 to any applicant under 18 years of age who has committed the
8 offense of operating a motor vehicle without a valid license or
9 permit in violation of Section 6-101 of this Code and no
10 graduated driver's license or permit shall be issued to any
11 applicant under 18 years of age who has committed an offense
12 that would otherwise result in a mandatory revocation of a
13 license or permit as provided in Section 6-205 of this Code or
14 who has been either convicted of or adjudicated a delinquent
15 based upon a violation of the Cannabis Control Act, the
16 Illinois Controlled Substances Act, or the Methamphetamine
17 Control and Community Protection Act while that individual was
18 in actual physical control of a motor vehicle. For purposes of
19 this Section, any person placed on probation under Section 10
20 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, or Section 70 of the Methamphetamine
22 Control and Community Protection Act shall not be considered
23 convicted. Any person found guilty of this offense, while in
24 actual physical control of a motor vehicle, shall have an entry
25 made in the court record by the judge that this offense did
26 occur while the person was in actual physical control of a
27 motor vehicle and order the clerk of the court to report the
28 violation to the Secretary of State as such.

29 (d) (Blank). ~~No graduated driver's license shall be issued~~
30 ~~for 6 months to any applicant under the age of 18 years who has~~
31 ~~been convicted of any offense defined as a serious traffic~~
32 ~~violation in this Code or a similar provision of a local~~
33 ~~ordinance.~~

34 (e) (Blank). ~~No graduated driver's license holder under the~~
35 ~~age of 18 years shall operate any motor vehicle, except a motor~~
36 ~~driven cycle or motorcycle, with more than one passenger in the~~

1 ~~front seat of the motor vehicle and no more passengers in the~~
2 ~~back seats than the number of available seat safety belts as~~
3 ~~set forth in Section 12-603 of this Code.~~

4 (f) (Blank). ~~No graduated driver's license holder under the~~
5 ~~age of 18 shall operate a motor vehicle unless each driver and~~
6 ~~passenger under the age of 19 is wearing a properly adjusted~~
7 ~~and fastened seat safety belt and each child under the age of 8~~
8 ~~is protected as required under the Child Passenger Protection~~
9 ~~Act.~~

10 (g) (Blank). ~~If a graduated driver's license holder is~~
11 ~~under the age of 18 when he or she receives the license, for~~
12 ~~the first 6 months he or she holds the license or until he or~~
13 ~~she reaches the age of 18, whichever occurs sooner, the~~
14 ~~graduated license holder may not operate a motor vehicle with~~
15 ~~more than one passenger in the vehicle who is under the age of~~
16 ~~20, unless any additional passenger or passengers are siblings,~~
17 ~~step siblings, children, or stepchildren of the driver.~~

18 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,
19 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; revised
20 8-19-05.)

21 (625 ILCS 5/6-107.1)

22 Sec. 6-107.1. Instruction permit for a minor.

23 (a) The Secretary of State, upon receiving proper
24 application and payment of the required fee, may issue an
25 instruction permit to any person under the age of 18 years who
26 is not ineligible for a license under paragraphs 1, 3, 4, 5, 7,
27 or 8 of Section 6-103, after the applicant has successfully
28 passed such examination as the Secretary of State in his
29 discretion may prescribe.

30 (1) An instruction permit issued under this Section
31 shall be valid for a period of 24 months after the date of
32 its issuance and shall be restricted, by the Secretary of
33 State, to the operation of a motor vehicle by the minor
34 only when accompanied by the adult instructor of a driver
35 education program during enrollment in the program or when

1 practicing with a parent, legal guardian, family member, or
2 a person in loco parentis who is 21 years of age or more,
3 has a license classification to operate such vehicle and at
4 least one year of driving experience, and who is occupying
5 a seat beside the driver.

6 (2) A 24 month instruction permit for a motor driven
7 cycle may be issued to a person ~~16 or~~ 17 years of age and
8 entitles the holder to drive upon the highways during
9 daylight under direct supervision of a licensed motor
10 driven cycle operator or motorcycle operator 21 years of
11 age or older who has a license classification to operate
12 such motor driven cycle or motorcycle and at least one year
13 of driving experience.

14 (3) A 24 month instruction permit for a motorcycle
15 other than a motor driven cycle may be issued to a person
16 ~~16 or~~ 17 years of age in accordance with the provisions of
17 paragraph 2 of Section 6-103 and entitles a holder to drive
18 upon the highways during daylight under the direct
19 supervision of a licensed motorcycle operator 21 years of
20 age or older who has at least one year of driving
21 experience.

22 (b) (Blank). ~~An instruction permit issued under this~~
23 ~~Section when issued to a person under the age of 17 years~~
24 ~~shall, as a matter of law, be invalid for the operation of any~~
25 ~~motor vehicle during the same time the child is prohibited from~~
26 ~~being on any street or highway under the provisions of the~~
27 ~~Child Curfew Act.~~

28 (c) Any person under the age of 18 ~~16~~ years who possesses
29 an instruction permit and whose driving privileges have been
30 suspended or revoked under the provisions of this Code shall
31 not be granted a Family Financial Responsibility Driving Permit
32 or a Restricted Driving Permit.

33 (Source: P.A. 90-369, eff. 1-1-98.)

34 (625 ILCS 5/6-107.4 new)

35 Sec. 6-107.4. Effect of increases in the driving age. The

1 increases in the driving age under this amendatory Act of the
2 94th General Assembly do not invalidate any license or permit
3 that was issued to a person under 18 years of age before the
4 effective date of this amendatory Act of the 94th General
5 Assembly in accordance with the law this was in effect at the
6 time the license or permit was issued, if the person complies,
7 until his or her 18th birthday, with all requirements that
8 applied to drivers under 18 years of age that were in effect
9 immediately before the effective date of this amendatory Act of
10 the 94th General Assembly.

11 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

12 Sec. 6-205. Mandatory revocation of license or permit;
13 Hardship cases.

14 (a) Except as provided in this Section, the Secretary of
15 State shall immediately revoke the license, permit, or driving
16 privileges of any driver upon receiving a report of the
17 driver's conviction of any of the following offenses:

18 1. Reckless homicide resulting from the operation of a
19 motor vehicle;

20 2. Violation of Section 11-501 of this Code or a
21 similar provision of a local ordinance relating to the
22 offense of operating or being in physical control of a
23 vehicle while under the influence of alcohol, other drug or
24 drugs, intoxicating compound or compounds, or any
25 combination thereof;

26 3. Any felony under the laws of any State or the
27 federal government in the commission of which a motor
28 vehicle was used;

29 4. Violation of Section 11-401 of this Code relating to
30 the offense of leaving the scene of a traffic accident
31 involving death or personal injury;

32 5. Perjury or the making of a false affidavit or
33 statement under oath to the Secretary of State under this
34 Code or under any other law relating to the ownership or
35 operation of motor vehicles;

1 6. Conviction upon 3 charges of violation of Section
2 11-503 of this Code relating to the offense of reckless
3 driving committed within a period of 12 months;

4 7. Conviction of any offense defined in Section 4-102
5 of this Code;

6 8. Violation of Section 11-504 of this Code relating to
7 the offense of drag racing;

8 9. Violation of Chapters 8 and 9 of this Code;

9 10. Violation of Section 12-5 of the Criminal Code of
10 1961 arising from the use of a motor vehicle;

11 11. Violation of Section 11-204.1 of this Code relating
12 to aggravated fleeing or attempting to elude a peace
13 officer;

14 12. Violation of paragraph (1) of subsection (b) of
15 Section 6-507, or a similar law of any other state,
16 relating to the unlawful operation of a commercial motor
17 vehicle;

18 13. Violation of paragraph (a) of Section 11-502 of
19 this Code or a similar provision of a local ordinance if
20 the driver has been previously convicted of a violation of
21 that Section or a similar provision of a local ordinance
22 and the driver was less than 21 years of age at the time of
23 the offense.

24 (b) The Secretary of State shall also immediately revoke
25 the license or permit of any driver in the following
26 situations:

27 1. Of any minor upon receiving the notice provided for
28 in Section 5-901 of the Juvenile Court Act of 1987 that the
29 minor has been adjudicated under that Act as having
30 committed an offense relating to motor vehicles prescribed
31 in Section 4-103 of this Code;

32 2. Of any person when any other law of this State
33 requires either the revocation or suspension of a license
34 or permit.

35 (c) Whenever a person is convicted of any of the offenses
36 enumerated in this Section, the court may recommend and the

1 Secretary of State in his discretion, without regard to whether
2 the recommendation is made by the court may, upon application,
3 issue to the person a restricted driving permit granting the
4 privilege of driving a motor vehicle between the petitioner's
5 residence and petitioner's place of employment or within the
6 scope of the petitioner's employment related duties, or to
7 allow transportation for the petitioner or a household member
8 of the petitioner's family for the receipt of necessary medical
9 care or, if the professional evaluation indicates, provide
10 transportation for the petitioner for alcohol remedial or
11 rehabilitative activity, or for the petitioner to attend
12 classes, as a student, in an accredited educational
13 institution; if the petitioner is able to demonstrate that no
14 alternative means of transportation is reasonably available
15 and the petitioner will not endanger the public safety or
16 welfare; provided that the Secretary's discretion shall be
17 limited to cases where undue hardship would result from a
18 failure to issue the restricted driving permit.

19 If a person's license or permit has been revoked or
20 suspended due to 2 or more convictions of violating Section
21 11-501 of this Code or a similar provision of a local ordinance
22 or a similar out-of-state offense, arising out of separate
23 occurrences, that person, if issued a restricted driving
24 permit, may not operate a vehicle unless it has been equipped
25 with an ignition interlock device as defined in Section
26 1-129.1.

27 If a person's license or permit has been revoked or
28 suspended 2 or more times within a 10 year period due to a
29 single conviction of violating Section 11-501 of this Code or a
30 similar provision of a local ordinance or a similar
31 out-of-state offense, and a statutory summary suspension under
32 Section 11-501.1, or 2 or more statutory summary suspensions,
33 or combination of 2 offenses, or of an offense and a statutory
34 summary suspension, arising out of separate occurrences, that
35 person, if issued a restricted driving permit, may not operate
36 a vehicle unless it has been equipped with an ignition

1 interlock device as defined in Section 1-129.1. The person must
2 pay to the Secretary of State DUI Administration Fund an amount
3 not to exceed \$20 per month. The Secretary shall establish by
4 rule the amount and the procedures, terms, and conditions
5 relating to these fees. If the restricted driving permit was
6 issued for employment purposes, then this provision does not
7 apply to the operation of an occupational vehicle owned or
8 leased by that person's employer. In each case the Secretary of
9 State may issue a restricted driving permit for a period he
10 deems appropriate, except that the permit shall expire within
11 one year from the date of issuance. The Secretary may not,
12 however, issue a restricted driving permit to any person whose
13 current revocation is the result of a second or subsequent
14 conviction for a violation of Section 11-501 of this Code or a
15 similar provision of a local ordinance relating to the offense
16 of operating or being in physical control of a motor vehicle
17 while under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any similar
19 out-of-state offense, or any combination thereof, until the
20 expiration of at least one year from the date of the
21 revocation. A restricted driving permit issued under this
22 Section shall be subject to cancellation, revocation, and
23 suspension by the Secretary of State in like manner and for
24 like cause as a driver's license issued under this Code may be
25 cancelled, revoked, or suspended; except that a conviction upon
26 one or more offenses against laws or ordinances regulating the
27 movement of traffic shall be deemed sufficient cause for the
28 revocation, suspension, or cancellation of a restricted
29 driving permit. The Secretary of State may, as a condition to
30 the issuance of a restricted driving permit, require the
31 applicant to participate in a designated driver remedial or
32 rehabilitative program. The Secretary of State is authorized to
33 cancel a restricted driving permit if the permit holder does
34 not successfully complete the program. However, if an
35 individual's driving privileges have been revoked in
36 accordance with paragraph 13 of subsection (a) of this Section,

1 no restricted driving permit shall be issued until the
2 individual has served 6 months of the revocation period.

3 (d) Whenever a person under the age of 21 is convicted
4 under Section 11-501 of this Code or a similar provision of a
5 local ordinance, the Secretary of State shall revoke the
6 driving privileges of that person. One year after the date of
7 revocation, and upon application, the Secretary of State may,
8 if satisfied that the person applying will not endanger the
9 public safety or welfare, issue a restricted driving permit
10 granting the privilege of driving a motor vehicle only between
11 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this
12 Section for a period of one year. After this one year period,
13 and upon reapplication for a license as provided in Section
14 6-106, upon payment of the appropriate reinstatement fee
15 provided under paragraph (b) of Section 6-118, the Secretary of
16 State, in his discretion, may issue the applicant a license, or
17 extend the restricted driving permit as many times as the
18 Secretary of State deems appropriate, by additional periods of
19 not more than 12 months each, until the applicant attains 21
20 years of age.

21 If a person's license or permit has been revoked or
22 suspended due to 2 or more convictions of violating Section
23 11-501 of this Code or a similar provision of a local ordinance
24 or a similar out-of-state offense, arising out of separate
25 occurrences, that person, if issued a restricted driving
26 permit, may not operate a vehicle unless it has been equipped
27 with an ignition interlock device as defined in Section
28 1-129.1.

29 If a person's license or permit has been revoked or
30 suspended 2 or more times within a 10 year period due to a
31 single conviction of violating Section 11-501 of this Code or a
32 similar provision of a local ordinance or a similar
33 out-of-state offense, and a statutory summary suspension under
34 Section 11-501.1, or 2 or more statutory summary suspensions,
35 or combination of 2 offenses, or of an offense and a statutory
36 summary suspension, arising out of separate occurrences, that

1 person, if issued a restricted driving permit, may not operate
2 a vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1. The person must
4 pay to the Secretary of State DUI Administration Fund an amount
5 not to exceed \$20 per month. The Secretary shall establish by
6 rule the amount and the procedures, terms, and conditions
7 relating to these fees. If the restricted driving permit was
8 issued for employment purposes, then this provision does not
9 apply to the operation of an occupational vehicle owned or
10 leased by that person's employer. A restricted driving permit
11 issued under this Section shall be subject to cancellation,
12 revocation, and suspension by the Secretary of State in like
13 manner and for like cause as a driver's license issued under
14 this Code may be cancelled, revoked, or suspended; except that
15 a conviction upon one or more offenses against laws or
16 ordinances regulating the movement of traffic shall be deemed
17 sufficient cause for the revocation, suspension, or
18 cancellation of a restricted driving permit. The revocation
19 periods contained in this subparagraph shall apply to similar
20 out-of-state convictions.

21 (e) This Section is subject to the provisions of the Driver
22 License Compact.

23 (f) Any revocation imposed upon any person under
24 subsections 2 and 3 of paragraph (b) that is in effect on
25 December 31, 1988 shall be converted to a suspension for a like
26 period of time.

27 (g) The Secretary of State shall not issue a restricted
28 driving permit to a person under the age of 18 years ~~16 years~~
29 whose driving privileges have been revoked under any provisions
30 of this Code.

31 (h) The Secretary of State shall require the use of
32 ignition interlock devices on all vehicles owned by an
33 individual who has been convicted of a second or subsequent
34 offense under Section 11-501 of this Code or a similar
35 provision of a local ordinance. The Secretary shall establish
36 by rule and regulation the procedures for certification and use

1 of the interlock system.

2 (i) The Secretary of State may not issue a restricted
3 driving permit for a period of one year after a second or
4 subsequent revocation of driving privileges under clause
5 (a)(2) of this Section; however, one year after the date of a
6 second or subsequent revocation of driving privileges under
7 clause (a)(2) of this Section, the Secretary of State may, upon
8 application, issue a restricted driving permit under the terms
9 and conditions of subsection (c).

10 (j) In accordance with 49 C.F.R. 384, the Secretary of
11 State may not issue a restricted driving permit for the
12 operation of a commercial motor vehicle to a person holding a
13 CDL whose driving privileges have been revoked under any
14 provisions of this Code.

15 (Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

16 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

17 Sec. 6-206. Discretionary authority to suspend or revoke
18 license or permit; Right to a hearing.

19 (a) The Secretary of State is authorized to suspend or
20 revoke the driving privileges of any person without preliminary
21 hearing upon a showing of the person's records or other
22 sufficient evidence that the person:

23 1. Has committed an offense for which mandatory
24 revocation of a driver's license or permit is required upon
25 conviction;

26 2. Has been convicted of not less than 3 offenses
27 against traffic regulations governing the movement of
28 vehicles committed within any 12 month period. No
29 revocation or suspension shall be entered more than 6
30 months after the date of last conviction;

31 3. Has been repeatedly involved as a driver in motor
32 vehicle collisions or has been repeatedly convicted of
33 offenses against laws and ordinances regulating the
34 movement of traffic, to a degree that indicates lack of
35 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 4. Has by the unlawful operation of a motor vehicle
5 caused or contributed to an accident resulting in death or
6 injury requiring immediate professional treatment in a
7 medical facility or doctor's office to any person, except
8 that any suspension or revocation imposed by the Secretary
9 of State under the provisions of this subsection shall
10 start no later than 6 months after being convicted of
11 violating a law or ordinance regulating the movement of
12 traffic, which violation is related to the accident, or
13 shall start not more than one year after the date of the
14 accident, whichever date occurs later;

15 5. Has permitted an unlawful or fraudulent use of a
16 driver's license, identification card, or permit;

17 6. Has been lawfully convicted of an offense or
18 offenses in another state, including the authorization
19 contained in Section 6-203.1, which if committed within
20 this State would be grounds for suspension or revocation;

21 7. Has refused or failed to submit to an examination
22 provided for by Section 6-207 or has failed to pass the
23 examination;

24 8. Is ineligible for a driver's license or permit under
25 the provisions of Section 6-103;

26 9. Has made a false statement or knowingly concealed a
27 material fact or has used false information or
28 identification in any application for a license,
29 identification card, or permit;

30 10. Has possessed, displayed, or attempted to
31 fraudulently use any license, identification card, or
32 permit not issued to the person;

33 11. Has operated a motor vehicle upon a highway of this
34 State when the person's driving privilege or privilege to
35 obtain a driver's license or permit was revoked or
36 suspended unless the operation was authorized by a judicial

1 driving permit, probationary license to drive, or a
2 restricted driving permit issued under this Code;

3 12. Has submitted to any portion of the application
4 process for another person or has obtained the services of
5 another person to submit to any portion of the application
6 process for the purpose of obtaining a license,
7 identification card, or permit for some other person;

8 13. Has operated a motor vehicle upon a highway of this
9 State when the person's driver's license or permit was
10 invalid under the provisions of Sections 6-107.1 and 6-110;

11 14. Has committed a violation of Section 6-301,
12 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
13 of the Illinois Identification Card Act;

14 15. Has been convicted of violating Section 21-2 of the
15 Criminal Code of 1961 relating to criminal trespass to
16 vehicles in which case, the suspension shall be for one
17 year;

18 16. Has been convicted of violating Section 11-204 of
19 this Code relating to fleeing from a peace officer;

20 17. Has refused to submit to a test, or tests, as
21 required under Section 11-501.1 of this Code and the person
22 has not sought a hearing as provided for in Section
23 11-501.1;

24 18. Has, since issuance of a driver's license or
25 permit, been adjudged to be afflicted with or suffering
26 from any mental disability or disease;

27 19. Has committed a violation of paragraph (a) or (b)
28 of Section 6-101 relating to driving without a driver's
29 license;

30 20. Has been convicted of violating Section 6-104
31 relating to classification of driver's license;

32 21. Has been convicted of violating Section 11-402 of
33 this Code relating to leaving the scene of an accident
34 resulting in damage to a vehicle in excess of \$1,000, in
35 which case the suspension shall be for one year;

36 22. Has used a motor vehicle in violating paragraph

1 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
2 the Criminal Code of 1961 relating to unlawful use of
3 weapons, in which case the suspension shall be for one
4 year;

5 23. Has, as a driver, been convicted of committing a
6 violation of paragraph (a) of Section 11-502 of this Code
7 for a second or subsequent time within one year of a
8 similar violation;

9 24. Has been convicted by a court-martial or punished
10 by non-judicial punishment by military authorities of the
11 United States at a military installation in Illinois of or
12 for a traffic related offense that is the same as or
13 similar to an offense specified under Section 6-205 or
14 6-206 of this Code;

15 25. Has permitted any form of identification to be used
16 by another in the application process in order to obtain or
17 attempt to obtain a license, identification card, or
18 permit;

19 26. Has altered or attempted to alter a license or has
20 possessed an altered license, identification card, or
21 permit;

22 27. Has violated Section 6-16 of the Liquor Control Act
23 of 1934;

24 28. Has been convicted of the illegal possession, while
25 operating or in actual physical control, as a driver, of a
26 motor vehicle, of any controlled substance prohibited
27 under the Illinois Controlled Substances Act, any cannabis
28 prohibited under the Cannabis Control Act, or any
29 methamphetamine prohibited under the Methamphetamine
30 Control and Community Protection Act, in which case the
31 person's driving privileges shall be suspended for one
32 year, and any driver who is convicted of a second or
33 subsequent offense, within 5 years of a previous
34 conviction, for the illegal possession, while operating or
35 in actual physical control, as a driver, of a motor
36 vehicle, of any controlled substance prohibited under the

1 Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act shall be suspended for
5 5 years. Any defendant found guilty of this offense while
6 operating a motor vehicle, shall have an entry made in the
7 court record by the presiding judge that this offense did
8 occur while the defendant was operating a motor vehicle and
9 order the clerk of the court to report the violation to the
10 Secretary of State;

11 29. Has been convicted of the following offenses that
12 were committed while the person was operating or in actual
13 physical control, as a driver, of a motor vehicle: criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, aggravated criminal sexual assault, criminal sexual
16 abuse, aggravated criminal sexual abuse, juvenile pimping,
17 soliciting for a juvenile prostitute and the manufacture,
18 sale or delivery of controlled substances or instruments
19 used for illegal drug use or abuse in which case the
20 driver's driving privileges shall be suspended for one
21 year;

22 30. Has been convicted a second or subsequent time for
23 any combination of the offenses named in paragraph 29 of
24 this subsection, in which case the person's driving
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by
27 Section 11-501.6 or has submitted to a test resulting in an
28 alcohol concentration of 0.08 or more or any amount of a
29 drug, substance, or compound resulting from the unlawful
30 use or consumption of cannabis as listed in the Cannabis
31 Control Act, a controlled substance as listed in the
32 Illinois Controlled Substances Act, or an intoxicating
33 compound as listed in the Use of Intoxicating Compounds
34 Act, in which case the penalty shall be as prescribed in
35 Section 6-208.1;

36 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 relating to the aggravated discharge
2 of a firearm if the offender was located in a motor vehicle
3 at the time the firearm was discharged, in which case the
4 suspension shall be for 3 years;

5 33. Has as a driver, who was less than 21 years of age
6 on the date of the offense, been convicted a first time of
7 a violation of paragraph (a) of Section 11-502 of this Code
8 or a similar provision of a local ordinance;

9 34. Has committed a violation of Section 11-1301.5 of
10 this Code;

11 35. Has committed a violation of Section 11-1301.6 of
12 this Code;

13 36. Is under the age of 21 years at the time of arrest
14 and has been convicted of not less than 2 offenses against
15 traffic regulations governing the movement of vehicles
16 committed within any 24 month period. No revocation or
17 suspension shall be entered more than 6 months after the
18 date of last conviction;

19 37. Has committed a violation of subsection (c) of
20 Section 11-907 of this Code;

21 38. Has been convicted of a violation of Section 6-20
22 of the Liquor Control Act of 1934 or a similar provision of
23 a local ordinance;

24 39. Has committed a second or subsequent violation of
25 Section 11-1201 of this Code;

26 40. Has committed a violation of subsection (a-1) of
27 Section 11-908 of this Code; or

28 41. Has committed a second or subsequent violation of
29 Section 11-605.1 of this Code within 2 years of the date of
30 the previous violation, in which case the suspension shall
31 be for 90 days.

32 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
33 and 27 of this subsection, license means any driver's license,
34 any traffic ticket issued when the person's driver's license is
35 deposited in lieu of bail, a suspension notice issued by the
36 Secretary of State, a duplicate or corrected driver's license,

1 a probationary driver's license or a temporary driver's
2 license.

3 (b) If any conviction forming the basis of a suspension or
4 revocation authorized under this Section is appealed, the
5 Secretary of State may rescind or withhold the entry of the
6 order of suspension or revocation, as the case may be, provided
7 that a certified copy of a stay order of a court is filed with
8 the Secretary of State. If the conviction is affirmed on
9 appeal, the date of the conviction shall relate back to the
10 time the original judgment of conviction was entered and the 6
11 month limitation prescribed shall not apply.

12 (c) 1. Upon suspending or revoking the driver's license or
13 permit of any person as authorized in this Section, the
14 Secretary of State shall immediately notify the person in
15 writing of the revocation or suspension. The notice to be
16 deposited in the United States mail, postage prepaid, to
17 the last known address of the person.

18 2. If the Secretary of State suspends the driver's
19 license of a person under subsection 2 of paragraph (a) of
20 this Section, a person's privilege to operate a vehicle as
21 an occupation shall not be suspended, provided an affidavit
22 is properly completed, the appropriate fee received, and a
23 permit issued prior to the effective date of the
24 suspension, unless 5 offenses were committed, at least 2 of
25 which occurred while operating a commercial vehicle in
26 connection with the driver's regular occupation. All other
27 driving privileges shall be suspended by the Secretary of
28 State. Any driver prior to operating a vehicle for
29 occupational purposes only must submit the affidavit on
30 forms to be provided by the Secretary of State setting
31 forth the facts of the person's occupation. The affidavit
32 shall also state the number of offenses committed while
33 operating a vehicle in connection with the driver's regular
34 occupation. The affidavit shall be accompanied by the
35 driver's license. Upon receipt of a properly completed
36 affidavit, the Secretary of State shall issue the driver a

1 permit to operate a vehicle in connection with the driver's
2 regular occupation only. Unless the permit is issued by the
3 Secretary of State prior to the date of suspension, the
4 privilege to drive any motor vehicle shall be suspended as
5 set forth in the notice that was mailed under this Section.
6 If an affidavit is received subsequent to the effective
7 date of this suspension, a permit may be issued for the
8 remainder of the suspension period.

9 The provisions of this subparagraph shall not apply to
10 any driver required to possess a CDL for the purpose of
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit
13 required herein shall be guilty of perjury under Section
14 6-302 and upon conviction thereof shall have all driving
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118
17 of this Code, the Secretary of State shall either rescind
18 or continue an order of revocation or shall substitute an
19 order of suspension; or, good cause appearing therefor,
20 rescind, continue, change, or extend the order of
21 suspension. If the Secretary of State does not rescind the
22 order, the Secretary may upon application, to relieve undue
23 hardship, issue a restricted driving permit granting the
24 privilege of driving a motor vehicle between the
25 petitioner's residence and petitioner's place of
26 employment or within the scope of his employment related
27 duties, or to allow transportation for the petitioner, or a
28 household member of the petitioner's family, to receive
29 necessary medical care and if the professional evaluation
30 indicates, provide transportation for alcohol remedial or
31 rehabilitative activity, or for the petitioner to attend
32 classes, as a student, in an accredited educational
33 institution; if the petitioner is able to demonstrate that
34 no alternative means of transportation is reasonably
35 available and the petitioner will not endanger the public
36 safety or welfare.

1 If a person's license or permit has been revoked or
2 suspended due to 2 or more convictions of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance or a similar out-of-state offense, arising out of
5 separate occurrences, that person, if issued a restricted
6 driving permit, may not operate a vehicle unless it has
7 been equipped with an ignition interlock device as defined
8 in Section 1-129.1.

9 If a person's license or permit has been revoked or
10 suspended 2 or more times within a 10 year period due to a
11 single conviction of violating Section 11-501 of this Code
12 or a similar provision of a local ordinance or a similar
13 out-of-state offense, and a statutory summary suspension
14 under Section 11-501.1, or 2 or more statutory summary
15 suspensions, or combination of 2 offenses, or of an offense
16 and a statutory summary suspension, arising out of separate
17 occurrences, that person, if issued a restricted driving
18 permit, may not operate a vehicle unless it has been
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1. The person must pay to the Secretary of
21 State DUI Administration Fund an amount not to exceed \$20
22 per month. The Secretary shall establish by rule the amount
23 and the procedures, terms, and conditions relating to these
24 fees. If the restricted driving permit was issued for
25 employment purposes, then this provision does not apply to
26 the operation of an occupational vehicle owned or leased by
27 that person's employer. In each case the Secretary may
28 issue a restricted driving permit for a period deemed
29 appropriate, except that all permits shall expire within
30 one year from the date of issuance. The Secretary may not,
31 however, issue a restricted driving permit to any person
32 whose current revocation is the result of a second or
33 subsequent conviction for a violation of Section 11-501 of
34 this Code or a similar provision of a local ordinance
35 relating to the offense of operating or being in physical
36 control of a motor vehicle while under the influence of

1 alcohol, other drug or drugs, intoxicating compound or
2 compounds, or any similar out-of-state offense, or any
3 combination of those offenses, until the expiration of at
4 least one year from the date of the revocation. A
5 restricted driving permit issued under this Section shall
6 be subject to cancellation, revocation, and suspension by
7 the Secretary of State in like manner and for like cause as
8 a driver's license issued under this Code may be cancelled,
9 revoked, or suspended; except that a conviction upon one or
10 more offenses against laws or ordinances regulating the
11 movement of traffic shall be deemed sufficient cause for
12 the revocation, suspension, or cancellation of a
13 restricted driving permit. The Secretary of State may, as a
14 condition to the issuance of a restricted driving permit,
15 require the applicant to participate in a designated driver
16 remedial or rehabilitative program. The Secretary of State
17 is authorized to cancel a restricted driving permit if the
18 permit holder does not successfully complete the program.

19 (c-5) The Secretary of State may, as a condition of the
20 reissuance of a driver's license or permit to an applicant
21 whose driver's license or permit has been suspended before he
22 or she reached the age of 18 years pursuant to any of the
23 provisions of this Section, require the applicant to
24 participate in a driver remedial education course and be
25 retested under Section 6-109 of this Code.

26 (d) This Section is subject to the provisions of the
27 Drivers License Compact.

28 (e) The Secretary of State shall not issue a restricted
29 driving permit to a person under the age of 18 years ~~16 years~~
30 whose driving privileges have been suspended or revoked under
31 any provisions of this Code.

32 (f) In accordance with 49 C.F.R. 384, the Secretary of
33 State may not issue a restricted driving permit for the
34 operation of a commercial motor vehicle to a person holding a
35 CDL whose driving privileges have been revoked under any
36 provisions of this Code.

1 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
2 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
3 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

4 (625 ILCS 5/7-702.1)

5 Sec. 7-702.1. Family financial responsibility driving
6 permits. Following the entry of an order that an obligor has
7 been found in contempt by the court for failure to pay court
8 ordered child support payments or upon a motion by the obligor
9 who is subject to having his or her driver's license suspended
10 pursuant to subsection (b) of Section 7-703, the court may
11 enter an order directing the Secretary of State to issue a
12 family financial responsibility driving permit for the purpose
13 of providing the obligor the privilege of operating a motor
14 vehicle between the obligor's residence and place of
15 employment, or within the scope of employment related duties;
16 or for the purpose of providing transportation for the obligor
17 or a household member to receive alcohol treatment, other drug
18 treatment, or medical care. The court may enter an order
19 directing the issuance of a permit only if the obligor has
20 proven to the satisfaction of the court that no alternative
21 means of transportation are reasonably available for the above
22 stated purposes. No permit shall be issued to a person under
23 the age of 18 years ~~16 years~~ who possesses an instruction
24 permit. In accordance with 49 C.F.R. Part 384, the Secretary of
25 State may not issue a family financial responsibility driving
26 permit to any person for the operation of a commercial motor
27 vehicle if the person's driving privileges have been suspended
28 under any provisions of this Code.

29 Upon entry of an order granting the issuance of a permit to
30 an obligor, the court shall report this finding to the
31 Secretary of State on a form prescribed by the Secretary. This
32 form shall state whether the permit has been granted for
33 employment or medical purposes and the specific days and hours
34 for which limited driving privileges have been granted.

35 The family financial responsibility driving permit shall

1 be subject to cancellation, invalidation, suspension, and
2 revocation by the Secretary of State in the same manner and for
3 the same reasons as a driver's license may be cancelled,
4 invalidated, suspended, or revoked.

5 The Secretary of State shall, upon receipt of a certified
6 court order from the court of jurisdiction, issue a family
7 financial responsibility driving permit. In order for this
8 permit to be issued, an individual's driving privileges must be
9 valid except for the family financial responsibility
10 suspension. This permit shall be valid only for employment and
11 medical purposes as set forth above. The permit shall state the
12 days and hours for which limited driving privileges have been
13 granted.

14 Any submitted court order that contains insufficient data
15 or fails to comply with any provision of this Code shall not be
16 used for issuance of the permit or entered to the individual's
17 driving record but shall be returned to the court of
18 jurisdiction indicating why the permit cannot be issued at that
19 time. The Secretary of State shall also send notice of the
20 return of the court order to the individual requesting the
21 permit.

22 (Source: P.A. 94-307, eff. 9-30-05.)